

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DAVID R. PETE,
PLAINTIFF,

v.

ATTORNEY GENERAL OF THE
UNITED STATES,
DEFENDANT.

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CASE NO. 1:20-CV-00098

JUDGE MICHAEL TRUNCALE

ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

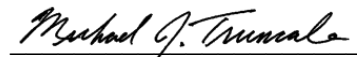
This case is referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters. The court has received and considered the report and recommendation of the magistrate judge (Doc. No. 19), which recommends denying *pro se* Plaintiff David R. Pete's motions for default judgment (Doc. No. 7, 18), and denying as moot Pete's motion to rescind service of process on the Department of Justice (Doc. No. 11). Pete filed timely objections to the report and recommendation. Doc. No. 20. The government has not responded to Pete's objections, and the time for doing so has passed. FED. R. CIV. P. 72(b)(2).

A party who files timely, written objections to a magistrate judge's report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b)(2)-(3). The court has conducted a *de novo* review of the magistrate judge's report and recommendation and has carefully considered the Plaintiff's objections. The court finds that the magistrate judge's findings and conclusions of law are correct, and that the Plaintiff's objections are without merit.

It is, therefore, **ORDERED**:

- Pete's objections (Doc. No. 20) are **OVERRULED**;
- the magistrate judge's Report and Recommendation (Doc. No. 19) is **ADOPTED**;
- Pete's Motion for Default (Doc. No. 7) and Motion for Default Judgment (Doc. No. 18) are **DENIED**;
- Pete's Motion to Rescind the Order to Serve Process on the U.S. Department of Justice (Doc. No. 11) is **DENIED AS MOOT**.

SIGNED this 20th day of January, 2021.



Michael J. Truncala
United States District Judge